

### **R E M A R K S**

Reconsideration of this application, as amended, is respectfully requested.

### **THE CLAIMS**

Independent claims 1, 6 and 8 have been amended to clarify that contents information comprising at least one of a size of the copyrighted electronic contents data and a preceding update date of the copyrighted electronic contents data is retrieved from a contents data base based on the received contents specifying data (which is received from the user terminal), as supported by the disclosure in the specification at, for example, page 8, lines 15-23.

No new matter has been added, and it is respectfully requested that the amendments to claims 1, 6 and 8 be approved and entered.

### **THE PRIOR ART REJECTION**

Claims 1-2 and 4-12 were rejected under 35 USC 103 as being obvious in view of the combination of USP 6,539,364 ("Moribatake et al") and 7,007,166 ("Moskowitz et al"). This rejection, however, is respectfully traversed.

On page 3 of the Office Action the Examiner contends that Moribatake et al discloses generating a first key at a server

from contents information at column 4, lines 16-17 and column 13, lines 2-4 thereof.

It is respectfully submitted, however, that these portions of Moribatake et al cited by the Examiner merely broadly disclose that a key is generated, and that Moribatake et al does not at all disclose, teach or suggest generating a key from contents information which includes a size and/or preceding update date of the contents data.

More specifically, it is respectfully pointed out that column 4, lines 16-18 of Moribatake et al discloses that "the trustee equipment 500 generates a secret key SKR and a public key PKR by the key generating device 520," while column 13, lines 2-4 discloses that "the issuer equipment 100 generates the secret key SKI and the public key PKI by the key generating device 120."

Thus, column 4, lines 16-17 and column 13, lines 2-4 of Moribatake et al merely broadly disclose that a key is generated, but do not disclose how the key is generated or on what data key generation is based. Accordingly, it is respectfully submitted that the portions of Moribatake et al cited by the Examiner clearly do not disclose, teach or suggest generating a key from contents information, as asserted by the Examiner.

At the bottom of page 9 and the top of page 10 of the Office Action, the Examiner also asserts that Moribatake et al discloses at column 5, lines 12-40 and 60-64 thereof that the contents

information of the contents data comprises a size of the contents data and a preceding update date of the contents data.

Column 5, lines 12-40 of Moribatake et al, however, merely discloses:

x) is used only to inform the user of the increment of the electronic cash counter by the amount x and the decrement of the user balance counter by the amount x; the user acknowledges it and increments the balance counter Balance of the user equipment 300 by the amount x. This is one of the features of the present invention which are common to the embodiments described later on.

Another feature of the present invention resides in that electronic cash is managed for each user real name IdU (or pseudonym in the embodiments described later on) in the issuing equipment 100, and is merely managed as the electronic cash balance counter EBC. Besides, when the user requests the issuing equipment 100 for an additional issuance of electronic cash as required, the issuer 100 adds the current balance of the user electronic cash balance counter with the amount additionally issued, and subtracts from the user balance counter (account) the amount additionally issued. In the conventional electronic cash systems, however, electronic cash is managed for each piece of electronic cash issued, and a plurality of pieces of electronic cash issued to the same user are managed individually.

### (3) Payment Procedure

A description will be given, with reference to FIG. 4, of the procedure for the payment of y yen from the user to the shop by electronic cash. The shop equipment 400 comprises a storage device 410, a signature verifying device 420, a random generating device 440 and a timing device 450. In the storage device 410 there are stored a real name IdS of the shop 400 and a public key PKR of the trustee 500.

And column 5, lines 60-64 of Moribatake et al discloses:

by the signature verifying device 420 using the public key PKU, and stores as history information H in the storage device 410 all pieces of information {PKU, SKR(PKU), Ts, Rs, y, SKU(y, IdS, Rs, Ts)} sent to and received from the user equipment 300.

Clearly, these portions of Moribatake et al do not at all even remotely relate to contents information (based upon which a

key is generated) that includes a size of the contents data and/or a preceding update date of the contents data. And it is respectfully submitted that Moribatake et al does not at all disclose, teach or suggest this feature of the claimed present invention.

Moskowitz et al, moreover, has been cited only for the disclosure of copyrighted electronic contents data, but not with respect to generating a key based on contents information relating to the copyrighted electronic contents data.

Accordingly, it is respectfully submitted that even if Moskowitz et al were combinable with Moribatake et al in the manner suggested by the Examiner, the resultant combination still would not disclose, teach or suggest retrieving, from a contents database, contents information comprising at least one of a size of the copyrighted electronic contents data and a preceding update date of the copyrighted electronic contents data based on received contents specifying data (received from a user terminal), and then generating a first key at a server from the retrieved contents information relating to the copyrighted electronic contents data to be distributed, in the manner of the claimed present invention as recited in amended independent claims 1, 6 and 8.

In view of the foregoing, it is respectfully submitted that the present invention as recited in amended independent claims 1, 6 and 8, as well as each of claims 2, 4, 5, 7 and 9 respectively

depending therefrom, clearly patentably distinguishes over the combination of Moribatake et al and Moskowitz et al under 35 USC 103.

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Entry of this Amendment, allowance of the claims and the passing of this application to issue are respectfully solicited.

If the Examiner has any comments, questions, objections or recommendations, the Examiner is invited to telephone the undersigned for prompt action.

Respectfully submitted,

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